

JUL 31 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

JUAN VERDUZCO; et al.,

Petitioners,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 05-72922

Agency Nos. A79-543-406
A79-543-407

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted July 24, 2006**

Before: ALARCÓN, HAWKINS, and THOMAS, Circuit Judges.

Husband and wife Juan Verduzco and Luz Aide Verduzco, natives and
citizens of Mexico, petition for review of the Board of Immigration Appeals' order

* This disposition is not appropriate for publication and may not be
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

dismissing their appeal from an immigration judge's ("IJ") decision denying their applications for cancellation of removal. We dismiss the petition for review.

We lack jurisdiction to review the IJ's discretionary determination that petitioners failed to show exceptional and extremely unusual hardship. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005). To the extent Juan Verduzco contends that the IJ violated his due process rights by failing to consider his separation from his United States citizen daughter, this contention is not supported by the record and does not amount to a colorable constitutional claim. *See id.* ("[t]raditional abuse of discretion challenges recast as alleged due process violations do not constitute colorable constitutional claims that would invoke our jurisdiction."). Similarly, petitioners' contention that the IJ was biased is not supported by the record and does not amount to a colorable constitutional claim. *See id.*

We do not consider Luz Aide Verduzco's due process challenge relating to the IJ's physical presence finding because her failure to establish hardship is dispositive.

PETITION FOR REVIEW DISMISSED.